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Attorneys for Plaintiffs KEVIN MARTIN,
 DAVID NORRIS and FRANK STONE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

KEVIN MARTIN, DAVID NORRIS, FRANK
 STONE, individually and on behalf of all other
 similarly situated,

Plaintiffs,

v.

MERRILL LYNCH, PIERCE, FENNER &
 SMITH, INCORPORATED, MERRILL
 LYNCH & CO., INC., BRIAN RILEY and
 DOES One through Twenty,

Defendants.

Case No. 10-04020 CW

**STIPULATION AND ORDER
 SELECTING ADR PROCESS**

Judge: Hon. Claudia Wilken
 Place: Dept. 2

Complaint Filed: August 6, 2010
 Trial Date: None Set

Counsel report that they have met and conferred regarding ADR and have reached
 the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5.

The parties agree to participate in the following ADR Process: Mediation by an
 agreed upon mediator with a private mediation service.

The parties agree to hold the ADR session by a date to be agreed upon, but no later than March 31, 2011.

DATED: _____, 2010

BARTKO, ZANKEL, TARRANT & MILLER
A Professional Corporation

By _____
William I. Edlund
Attorneys for Plaintiffs
KEVIN MARTIN, DAVID NORRIS
and FRANK STONE

DATED: _____, 2010

MUNGER, TOLLES & OLSON

By _____
Victoria L. Boesch
Attorneys for Defendants
MERRILL LYNCH, PIERCE, FENNER & SMITH,
INCORPORATED, MERRILL LYNCH & CO.,
INC., BRIAN RILEY and DOES One through
Twenty

